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October 30, 1998

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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OCT 30 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Ex parte Notice  
FCC-IB Docket No. 98-172 /  
NPRM Proposing Redesignation  
of 18 GHz Band

Dear Ms. Roman Salas:

On October 26, 1998, Jonathan D. Blake, as counsel for the Independent Cable & Telecommunications Association ("ICTA"), talked briefly by phone with Ms. Deborah Lathen, Chief of the Cable Services Bureau.

He explained:

- Private cable is a vigorously growing competitor to franchised cable operators that often have monopoly power. National communications policy favors encouraging competition to franchised cable operators.
- The cut-off date specified in the notice of proposed rulemaking in this proceeding has the effect of imposing a freeze on private cable applications for new services. This is because they simply can't share 18 GHz frequencies on a secondary basis with satellite downlinks (especially when licensed on a blanket basis as is proposed here) and, therefore, they can proceed with new services and new applications only subject to the grave risk that they will have to terminate operations in the future.
- In the past the Commission has occasionally in other services imposed a freeze to avoid a land rush of speculative paper applications. But this service is not subject to that potential abuse. Private cable applications are filed only after months of effort and expense are devoted to arranging for the new services they will support.
- Private cable operators have no alternative spectrum available to them that could support their new or expanded video services.

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Ms. Magalie Roman Salas

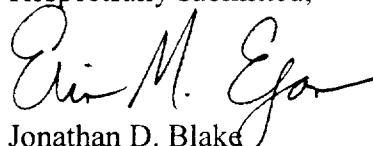
October 30, 1998

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- The 17.7-18.14 GHz band is not currently available for private cable use and even if various rules are adopted in the future to make it theoretically suitable, in many major markets it is likely to be unduly congested and, therefore, an inhospitable second home for private cable operations.
- New private cable services should not be put on hold indefinitely while the controversial, preliminary and incomplete issues involved in this proceeding are sorted out over a prolonged and indefinite period.
- The proposal may entail serious interference problems both for incumbent fixed service operations, including private cable operations, in the 18.3-18.58 GHz band and for future satellite downlink operations.

Please direct any questions to the undersigned.

Respectfully submitted,



Jonathan D. Blake

Erin M. Egan

Attorneys for  
Independent Cable &  
Telecommunications  
Association

cc: Ms. Deborah Lathen (w/October 13 ex parte letter, for background purposes)